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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,349	07/17/2001	Mark Bagley	36-1462	2632
23117	7590	03/15/2007	EXAMINER	
NIXON & VANDERHYE, PC			NGUYEN, CAM LINH T	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203			2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/889,349	BAGLEY ET AL.
Examiner	Art Unit	
CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 and 23-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 and 23-54 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This Office Action is response to amendment filed on 1/17/2007.
2. Applicant's amendments to claims 1 – 16, 23 – 54 are acknowledged. Consequently, rejection to claims 1-12,31,33 and 51 under 35 U.S.C. 112 second paragraph is withdrawn; claims 17 – 22 have been cancelled. Claims 1 – 16, 23 - 54 are currently pending for further processing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 16, 23 – 30, 35 – 38, 47 - 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue et al (U.S. 5,987,480) in view of Schultz et al (U.S. 6,453,339 B1).

♦ As per claims 1, 5, 23, 27,

Donohue et al (U.S. 5,987,480) discloses a method/apparatus of managing information bearing content files stored in a computer file system, comprising:

- “The computer file system being divided into directories” col. 13 lines 22 – 26 of Donohue.
- “Means” (Fig. 1, element 2 of Donohue) for “Locating one or more content files” corresponds to the command to locate documents (col. 7 lines 27 – 30 of Donohue).
- The “content files” corresponds to the “documents” that stored in the data source 12 in Fig. 1 (col. 7 lines 35 – 44).
- “Means” (Fig. 1, element 24 of Donohue) “Associating one or more template files with each directory in which at least one content file is stored” See col. 5 lines 25 – 31 of Donohue. The documents stored in the web server contain different formats; therefore, when applying to the template, it will carry out a respective predetermined operation on the documents (col. 1 lines 57 – 65 of Donohue).
- “Means” (Fig. 1, element 14 of Donohue) for “Applying the or each template file associated with a given directory to each content file stored in that given directory” col. 7 lines 15 – 22 of Donohue.
- “Wherein the respective directory in which each content file is stored determines which of the or each template file is applied” col. 5, lines 63 – 67, col. 10, lines 43 – 48 of Donohue.

Donohue teaches that the data source and the templates, which organized in a directory, are stored on the server computer, but does not clearly teach that the directory stores the content file and the template. In col. 4, lines 59 – 62, Donohue teach that the data source provided the content stored in the database represents or is reduced to name/value pairs.

In addition, Schultz discloses a search system for channelized data (see the title of Schultz) that the content directory and the template directory are stored in the same place (col. 13, lines 54 – 56 of Schultz). Schultz teaches that the content file being stored in a directory of the computer file system (col. 13, lines 54 – 56 of Schultz). Schultz also teaches that “wherein the applying the one or more each template file associated with a given directory ... generates a corresponding templated information-bearing content file whose appearance is controlled by the or each associated template file” (col. 13, lines 55 – 59, Schultz teaches “there is a template directory within content directory 24”) by applying the image file in the directory with the corresponding template in that directory.

Both inventions are in the same filed (search and delivery document to user). Donohue and Schultz suggest that the invention may be modified to archive the scope of the claims (col. 14, lines 28 – 36, Donohue; col. 18, lines 26 - 30 – 47, Schultz).

The directory in Donohue includes the template and the name-value pair that represent the corresponding document. It would have been obvious to one with ordinary skill in the art at the time the invention was made to substitute the name-value in Donohue invention by the content file of Schultz because the combination would reduce the network traffic in searching for data.

♦ As per claims 13 – 16,

With all limitation as in claim 1 further claims 13 – 16 including the steps of searching for documents in a directory and determining if whether the template is existed in that directory.

Schultz discloses a content directory associated with the templated directory (Fig. 5 of Schultz) in combination with the teaching of Donohue, the combined system would be able to searching for document in a directory (Schultz reference) and determining if whether the template is existed in that directory (either Schultz or Donohue reference).

◆ As per claims 2, 6, 24, 28, the combination of Donohue and Schultz disclose:

- “The computer file system is divided into a hierarchical arrangement of directories” col. 5 lines 26 – 30, Donohue.

◆ As per claims 3, 7, 25, 29, the combination of Donohue and Schultz disclose:

Donohue teaches that the templates are stored in the directory. Each associate with a particular document or group of documents (col. 5 lines 26 – 30, Donohue.); therefore, the association of a template with a directory is made on the basis of the template file being stored in that directory.

◆ As per claims 4, 8, 26, 30, the combination of Donohue and Schultz disclose:

- “Associating metadata with each content file” See col. 15, lines 10 – 11 of Schultz.
- “Carrying out the respective pre-determined operation on each content file... metadata” col. 1 lines 57 – 65, Donohue.

◆ As per claims 9 - 10, the combination of Donohue and Schultz disclose:

- “Computer readable code” corresponds to the “script” 14 in Fig. 1 of Donohue.
- “A signal embodying computer executable code for loading into a computer” See Fig. 1 of Donohue, col. 7, lines 1 – 44.

♦ As per claims 11 – 12, the combination of Donohue and Schultz disclose:

- “The association of a template with a directory is made on the basis of the template file being stored in at least one of that directory and a parent directory of that directory” col. 10, lines 43 – 48, Donohue.

♦ As per claims 35 - 38, the combination of Donohue and Schultz disclose:

The combination of Donohue and Schultz disclose a directory that stored both content file and the associated templates as discussed above. Therefore, the Donohue and Schultz discloses, “searching a parent directory … template files” by searching for a default template file in the parent directory (See col. 13, lines 11 – col. 14, lines 17 of Donohue).

♦ As per claims 47 - 50, the combination of Donohue and Schultz disclose:

The combination of Donohue and Schultz disclose a directory that stored both content file and the associated templates as discussed above. Furthermore, Donohue discloses a result page (information bearing content) (See Fig. 2 of Donohue). This page is generated and must be stored in the system before displayed to the user. Therefore, the directory that stored both template and the content file must be able to store the result page as claim in the invention.

♦ As per claims 51 - 54, the combination of Donohue and Schultz disclose:

- “The look up table” See col. 12, lines 59 – 62 of Schultz.

6. Claims 31 – 34, 39 - 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue et al (U.S. 5,987,480) in view of Schultz et al (U.S. 6,453,339 B1) as applied to claims 1 – 16, 23 – 30, 35 – 38, 47 - 54 above, and further in view of Popp et al (U.S. 6,651,108B2).

♦ As per claims 31 - 34,

The combination of Donohue and Schultz disclose a method for searching a document and using the associated templated to carried out the document. Donohue teaches that the templates may be inherited from parent directories to one or more child directories (col. 14, lines 14 – 15 of Donohue) by searching one level up the directory for the default template if the current directory does not have the default template. Donohue does not teach that one document can be applied to multiple templates so that at least one document is processed in accordance with multiple template files as claimed in claims 31 – 34 of the instant application. However, one skill in the art would recognize that depend on the type and the attributes of document, an appropriate template can be used. As Donohue teaches the relationship between the parent and child directories, a parent template can be used to the child document in the child directory.

Donohue and Schultz do not clearly disclose that one document can be applied to multiple templates so that at least one document is processed in accordance with multiple template files as claimed in claims 31 – 34 of the instant application.

However, Popp, on the other hand, discloses a method and apparatus for generating a web page (see the title of Popp) using multiple templates. Popp teaches that “multiple HTML templates can be used to generate a single HTML document” (Col. 3, lines 22 – 25 of Popp).

Since Popp and Donohue and Schultz are in the same field of endeavor, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Popp into the combination of Donohue and Schultz because the combination would provide the user different displays by using multiple templates.

♦ As per claims 39 - 42, the combination of Donohue, Schultz and Popp disclose:

These claims are rejected based on the rejections of claims 31 – 38 as discussed above.

- ♦ As per claims 43 - 46, the combination of Donohue, Schultz and Popp disclose:

According to col. 13, lines 10 – 21, Donohue teaches that depending on user interest product, a new template can be created. Therefore, if a new template is created based on the user need, this template will override the other template file.

Response to Arguments

7. Applicant's arguments filed 01/17/2007 have been fully considered but they are not persuasive.

- ♦ Applicant argues that the combination fails to teach or suggests, “applying the one or more template files associated with a given directory to each content file stored ... associated template files”. The Examiner respectfully disagrees.

As discussed above, Donohue discloses a system that comprises a template directory associated with name-value pair. Donohue teaches that the data source and the templates, which organized in a directory, are stored on the server computer, but does not clearly teach that the directory stores the content file and the template. In col. 4, lines 59 – 62, Donohue teach that the data source provided the content stored in the database represents or is reduced to name/value pairs.

In addition, Schultz discloses a search system for channelized data (see the title of Schultz) that the content directory and the template directory are stored in the same place (col. 13, lines 54 – 56 of Schultz). Schultz teaches that the content file being stored in a directory of the computer file system (col. 13, lines 54 – 56 of Schultz). Schultz also teaches that “ wherein the applying the one or more each template file associated with a

given directory ... generates a corresponding templated information-bearing content file whose appearance is controlled by the or each associated template file" (col. 13, lines 55 – 59, Schultz teaches "there is a template directory within content directory 24") by applying the image file in the directory with the corresponding template in that directory. Both inventions are in the same filed (search and delivery document to user). Donohue and Schultz suggest that the invention may be modified to archive the scope of the claims (col. 14, lines 28 – 36, Donohue; col. 18, lines 26 - 30 – 47, Schultz). The Examiner would combine the teaching of Schultz and Donohue because the combination would reduce the network traffic in searching for data. Therefore, reducing the time searching for the users.

♦ Applicant argues that the Donohue fails to teach or suggests "Locating one or more content files, each content file being stored in a directory of the computer file system". The Examiner respectfully disagrees.

Applicant's argument is unpersuasive because it attempts to show nonobviousness by attacking Donohue alone and nonobviousness cannot be established by attacking references individually. Where the rejection is based upon the teaching of a combination of references, as it is here, each reference must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole. See *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As set forth in the Non- Final Office Action, the rejection of claims 1 – 16, 23 – 30, 35 – 38, 47 - 54 was made under 35 U.S.C. §103(a) as being unpatentable over the combination of Donohue and Schultz; not Donohue. alone.

Applicant fails to recognize the combination of the two systems that the Examiner provided. Specifically, the Examiner does not use the Donohue reference to teach the “directory”. Instead, the Examiner provides the teaching of Schultz for the “directory” which was then applied to the system of Donohue.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Art Unit: 2161

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

LN

Janney
APR 2003
APR 2003
SAC TC 2100